



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Nakia Brydie,
County Corrections Officer (S9999R),
Morris County

CSC Docket No. 2018-25

List Removal Appeal

ISSUED: October 19, 2017 (CSM)

Nakia Brydie, represented by Raymond L. Hamlin, Esq., appeals the appointing authority's request to remove her name from the eligible list for County Correction Officer (S9999R), Morris County, on the basis of an unsatisfactory driving record.

In disposing of the November 7, 2016 certification, the appointing authority requested the removal of the appellant's name, contending that she had an unsatisfactory driving record. Specifically, the appointing authority asserted that the appellant indicated on her application that her driver's license was currently suspended because she received a DUI in August 2015 and her driver's record indicated that she received 32 additional traffic citations between March 2004 and July 2016. In support, the appointing authority provided copies of the appellant's certified driver abstract and New Jersey Automatic Traffic System General Inquiry (NJATSGI) records when it disposed the certification.

On appeal to the Civil Service Commission (Commission), the appellant states that when she was stopped by members of law enforcement on suspicion of DUI, she was unaware of the law and requested the opportunity to speak to counsel. However, as the law does not avail individuals stopped on suspicion of DWI the right to confer with counsel, when she made the request, she was charged with refusal to submit to a chemical test. Thus, she pled guilty to the charge because she did not have an entitlement to counsel. As she was not rejected for any other reason, the appellant states that it is unfair to remove her from the list based on her lack of knowledge of what the law provides and her reliance on counsel to plead guilty.

CONCLUSION

N.J.A.C. 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)9, allows the removal an eligible's name from an eligible list for other sufficient reasons. Removal for other sufficient reasons includes, but is not limited to, a consideration that based on a candidate's background and recognizing the nature of the position at issue, a person should not be eligible for appointment. Additionally, the Commission, in its discretion, has the authority to remove candidates from lists for law enforcement titles based on their driving records since certain motor vehicle infractions reflect a disregard for the law and are incompatible with the duties of a law enforcement officer. *See In the Matter of Pedro Rosado v. City of Newark*, Docket No. A-4129-01T1 (App. Div. June 6, 2003); *In the Matter of Yolanda Colson*, Docket No. A-5590-00T3 (App. Div. June 6, 2002); *Brendan W. Joy v. City of Bayonne Police Department*, Docket No. A-6940-96TE (App. Div. June 19, 1998).

In the matter at hand, the appellant's driver abstract that was submitted when the appointing authority disposed of the certification indicated that she received violations for operating under the influence of liquor/drugs and refusal to submit to a chemical test in September 2015. Additionally, the appellant's driver abstract and NJATSGI records indicate that she received 32 different traffic citations for such things as speeding, failure to observe traffic control device, unsafe operation of a motor vehicle, failure to possess a driver's license, and parking violations between March 2004 and July 2016. While the appellant argues that she pled guilty on the advice of counsel to the refusal charge, it cannot be ignored that her driving record from March 2004 reveals a complete disregard for motor vehicle laws and is indicative of the appellant's exercise of poor judgment, which is not conducive to the performance of duties of a County Correction Officer. In this regard, it is recognized that a County Correction Officer is a law enforcement employee who must help keep order in the prisons and promote adherence to the law. Correction Officers, like municipal Police Officers, hold highly visible and sensitive positions within the community and the standard for an applicant includes good character and an image of utmost confidence and trust. *See Moorestown v. Armstrong*, 89 *N.J. Super.* 560 (App. Div. 1965), *cert. denied*, 47 *N.J.* 80 (1966). *See also In re Phillips*, 117 *N.J.* 567 (1990). The public expects Correction Officers to present a personal background that exhibits respect for the law and rules. These multiple violations, especially those occurring in recent proximity to the time when the certification was issued in November 2016, do not demonstrate possession of these qualities.

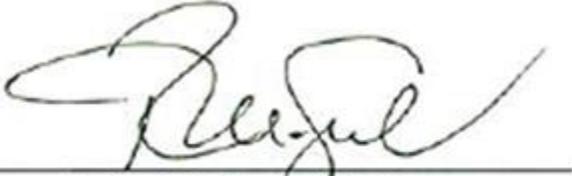
Accordingly, the appointing authority has presented sufficient cause to remove the appellant's name from the County Correction Officer (S9999R) eligible list.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 18TH DAY OF OCTOBER, 2017



Robert M. Czede, Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals
& Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Raymond L. Hamlin, Esq.
Nakia Brydie
Staci Santucci
Kelly Glenn